

Assembly Bill No. 738

CHAPTER 770

An act to add Sections 19822.7 and 20963.1 to the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 7, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 738, Davis. State employees.

(1) Existing law establishes the Child Care Fund to encourage the development of child care programs for dependent children of state employees and is administered by the Department of Personnel Administration. The funds are allocated to the Child Care Fund from the amount appropriated in the annual Budget Act for employee compensation and were available for expenditure through June 30, 1991.

This bill would create the Work and Family Fund in the State Treasury, a continuously appropriated fund, to establish and maintain work and family programs for state employees and to be administered by the Department of Personnel Administration. The bill would provide that the moneys in the fund shall be allocated from the amount negotiated in memoranda of understanding between the state and the recognized employee organization, and appropriated by the Legislature, for the 2000–01 fiscal year and subsequent fiscal years. The fund would cease to exist on June 30, 2005, and any balance in the fund would revert to the General Fund, unless the existence of the fund is extended by statute and that statute is enacted and becomes effective prior to that date.

(2) Existing law requires a state, school, or school safety member, whose effective date of retirement is within 4 months of separation from employment with the employer that granted sick leave credit, to be credited at his or her retirement with 0.004 year of service credit for each unused day of sick leave, as specified.

This bill would provide that a state member, whose effective date of retirement is within 4 months of separation from employment with the state, shall be credited at his or her retirement with 0.0004 year of service credit for each unused day of educational leave, as specified.

(3) Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the

memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of specified memoranda of understanding entered into between the state employer and the California State Employees Association, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that any provision in a memorandum of understanding approved by any section of this bill, and which requires the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, all or any part of the memorandum of understanding may be declared null and void by any affected employee organization.

(4) This bill would appropriate five hundred thousand dollars (\$500,000) from the General Fund for transfer to the Work and Family Fund to provide for the establishment and administration of the work and family program initiatives.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 19822.7 is added to the Government Code, to read:

19822.7. (a) There is hereby created in the State Treasury the Work and Family Fund to which funds shall be allocated from the amount negotiated in memoranda of understanding between the state and the recognized employee organization, as defined in Section 3513, and appropriated by the Legislature, for the 2000–01 fiscal year and subsequent fiscal years.

(b) The fund shall be used to establish and maintain work and family programs for state employees. These programs may include, but are not limited to, financial assistance to aid in the development of child care centers administered by either nonprofit corporations formed by state employees or child care providers, or to provide grants, subsidies, or both grants and subsidies for child care and elder care. Other programs may include enhancement or supplementation of existing employee assistance program services and other work and family programs.

(c) The fund shall be administered by the Department of Personnel Administration. The amounts to be allocated and

expended from funds available for compensation shall be determined by the department.

(d) Notwithstanding Section 13340, funds in the fund shall be available for expenditure without regard to fiscal years through June 30, 2005. As of June 30, 2005, the fund shall cease to exist and any balance in the fund shall revert to the General Fund, unless the existence of the fund is extended by statute and that statute is enacted and becomes effective prior to June 30, 2005.

SEC. 2. Section 20963.1 is added to the Government Code, to read:

20963.1. (a) A state member whose effective date of retirement is within four months of separation from employment of the state, shall be credited at his or her retirement with 0.004 year of service for each unused day of educational leave credit, as certified to the board by the employer. The provisions of this section shall be effective for eligible state members who retire directly from state employment on and after January 1, 2000.

(b) This section shall apply to eligible state members in state bargaining units that have agreed to this section in a memorandum of understanding, or as authorized by the Director of the Department of Personnel Administration for classifications of state employees that are excluded from the definition of “state employee” by paragraph (c) of Section 3513 of the Government Code.

SEC. 3. The provisions of the following memoranda of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and the following employee organizations in 1999, which require the expenditure of funds, are hereby approved for the purposes of Section 3517.6 of the Government Code:

(a) Unit 20-California State Employees Association.

(b) Unit 21-California State Employees Association.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

SEC. 5. Any provision in a memorandum of understanding approved by any section of this act that requires the expenditure of funds shall not take effect unless funds for these provisions are appropriated by the Legislature. If funds for these provisions are not appropriated by the Legislature, all or any part of the memorandum of understanding may be declared null and void by any affected employee organization.

SEC. 6. The sum of five hundred thousand dollars (\$500,000) is hereby appropriated from the General Fund for transfer to the Work and Family Fund to provide for the establishment and administration of the work and family program initiatives. Any additional funds for

subsequent fiscal years shall be transferred from the amount appropriated in the annual Budget Act for employee compensation.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the provisions of this act to be applicable as soon as possible in the 1999-2000 fiscal year and thereby facilitate the orderly administration of state government at the earliest possible time, it is necessary for this act to take effect immediately.

